

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:24-CT-3138-FL

CHRISTOPHER NEAL,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
RN TERESA CARTER, P.A. ERICA)	
KEARNEY, NURSE CORA MADDOX,)	
and WARDEN DAVID MAY,)	
)	
Defendants.)	

This matter is before the court on plaintiff's motions for settlement conference (DE 16) and for default judgment as to defendants David May ("May") and Erica Kearney ("Kearney") (DE 28, 30). Defendants May and Kearney responded in opposition to the motions for default judgment, and in this posture the issues raised are ripe for ruling.


Plaintiff's motions for default judgment are without merit where defendants May and Kearney timely responded to plaintiff's complaint, and as a result plaintiff cannot show that they failed to plead or otherwise defendant. See Fed. R. Civ. P. 55(a); (DE 29, 31 (showing both defendants timely submitted motions to dismiss in lieu of answer)). Turning to the motion for settlement conference, this motion is premature where motions to dismiss¹ remain pending and defendants have not expressed interest in court-hosted settlement conference. Plaintiff may renew this request in the event any of his claims survive the pending motions to dismiss and (if

¹ The court will address pending motions to dismiss (DE 20, 24) by separate order.

applicable) any future motion for summary judgment. In the interim, plaintiff should desist from filing requests for settlement conference unless he can show that defendants consented to same.

Based on the foregoing, plaintiff's motions for default judgment (DE 28, 30) and for settlement conference (DE 16) are DENIED. The request for court-hosted settlement conference is denied without prejudice on the terms herein.

SO ORDERED, this the 30th day of September, 2025.



LOUISE W. FLANAGAN
United States District Judge